

"Home Rule" is a Weapon of the
"Haves" Against the "Have Nots,"
and of Whites Against Blacks

Remarks of Ernest Erber, AIP
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and

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at

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on theme of

"Home Rule" .. What Should Be Preserved?

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League of Women Voters of New Jersey
Conference on "Home Rule"
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Remarks by Ernest Erber on the thesis that:

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It is appropriate that remarks on housing, the quality of the environment and public education be followed by remarks on the development and use of land, which is my subject as final speaker on this panel. For "under all lies the land", to quote the opening sentence of the realtors' credo; in itself a commendable statement of purpose, which, incidentally, buttresses the age-old observation that theory and practice rarely coincide.

Land remains the essential basis for human settlement. Even if the promised new technology in housing were to be realized fully, it would not float houses in the air or hang them from sky hooks; they would still rest on land. Their location will continue to determine access to schools. Their density will continue to affect the economic feasibility of waste treatment that is adequate to protect land and water from pollution, as well as affect the extent to which farms and forests disappear before urban sprawl.

How we use the land is vital to our well-being, if not to our very survival as a species. For the amount of land available is a finite quantity; it is the surface of the planet earth minus that portion covered by water. For Americans; it is confined to the political boundaries of the United States. For our discussion today, it is the area of the State of New Jersey; fifth smallest in the union, yet the most densely

populated and most highly urbanized.

It is the area of each of New Jersey's 567 municipalities to which the law accords unilateral authority to determine land use as a consequence of the timidity and lethargy which favor the perpetuation by each generation of the institutions and practices of its predecessor. Thus it is that the good space ship Earth blithely continues to orbit the Sun, while 567 local planning boards, 567 Mayors and Council, and 567 local electorates unwittingly conspire to disfigure, contaminate, overcrowd, underuse, and, generally, mess up much of New Jersey's part of the earth's surface.

I now shift gears from the space ship approach to ground level: dry leaves crunching underfoot and the autumn air crackling with the electricity of human energy expended in hopes, ambitions, fears, and even some human solidarity. I walk through the pleasant streets of my home community of Maplewood, one of the fortunate communities that show little outward evidence of the mess that is New Jersey. I look about, and what I behold is good. (After a life lived amidst the tensions and conflicts attendant upon efforts to improve the human condition, one is increasingly content to let critical faculties slacken and accept as good much that is merely uninspiring and banal, but at least not anti-human). My judgment that Maplewood is a good place to live is shared, I am sure, by almost all of its residents. They not only appreciate the tree-lined streets, but each other. They realize that they represent a more-or-less chosen people -- an elite. They are highly literate, relatively sophisticated, materially comfortable, and reasonably happy. Those that attend church on Sunday mornings give thanks that they and their families live in such a fine community among so many compatible fellow-townsmen; along with thanks for

owning a relatively new station wagon and a second car for getting to the station or to the discount houses on nearby highways.

Who would want to alter the character of this fine community? Who would want to affect its appearance or introduce potentially "incompatible" types of residents? Who would want to weaken its "home rule" powers to protect its "character" and determine its future? Its right to be sole judge of how its land area is to be used; the kind of housing accommodations it should permit; the cost of shelter within its boundaries; the minimum income required to be a resident; the racial composition of its population and its school enrollment? I ask: who in Maplewood would want to lessen the community's power to determine these matters?

If the horizons within which my townsmen respond to this question are confined by the municipal boundaries of Maplewood, the answer would be that no one would want less home rule. Why should they? Altruism and idealism are not to be found on a mass scale, neither in Maplewood or anywhere else.

But if the horizons are broadened to encompass the State of New Jersey, this relatively small spit of land between the Hudson River and the Atlantic Ocean on the east and the Delaware River and Bay on the west, with over seven million inhabitants and a potential of ten million, twelve million or fifteen million, Maplewood's enlightened citizens should realize that efforts to freeze the social and physical characteristics of their community (and all similarly situated communities) are utopian, and, indeed, are reactionary and fraught with danger to American social, economic and political in-

stitutions as we have known them and have come to accept them as the essential framework for freedom and democracy.

Suburbia is a relatively recent phenomenon in American history. It results from the distribution of population, not by the logic and convenience of access to employment, but by access to housing as governed by cost. It is, essentially, the ranking of the population of vast metropolitan areas in accordance with income. By virtue of the heritage of slavery, it is also, essentially, the distribution of population by race. The poor and black live in the slums and ghettos of central cities. The latter are surrounded by concentric rings of communities with each successive ring characterized by higher incomes and fewer blacks. This is Apartheid -- American style. It was created by a number of practices, most of which were implicitly illegal by state and federal law since the Civil War, and are now explicitly forbidden by Civil Rights enactments of the last decade. It is sustained mainly by home rule -- the unilateral authority of suburban governments to regulate land use and housing construction. The effort to perpetuate this power will lead to the destruction of free institutions and the rule of a police state. For documentation I refer you to the reports of three Presidential Commissions, headed respectively by Senator Douglas, Governor Kerner, and Dr. Milton Eisenhower. Those who reject this warning of social chaos and civil strife, are not likely to accept my thesis that home rule is a weapon of the "haves" used against the "have nots", and of whites used against blacks. It is my hope that the next year will see the formation of a coalition of forces capable

of recreating in New Jersey the earlier, democratic pattern of settlement of our forefathers in which each town contained housing opportunities for both rich and poor and for all levels in between.

The institution of home rule in land regulation is maintained by a legislative majority which reflects both the aggressive self-interest of those enlightened as to their true interests, and the acquiescence of those unenlightened as to their true interests. The former are the residents of the low-density, high-income communities with significant amounts of undeveloped land. The latter are the residents of the central cities and built-up suburbs. It is my contention that the partisans of home rule in land use who stand to benefit from exclusionary zoning are a distinct minority in this state, perhaps no more than a third of the electorate. Once the residents of the moderate-income, built-up suburbs realize that the exclusionary practices of low-density, high-income communities result in increased population pressures in the old suburbs, they will combine with the voters of the central cities to form a majority capable of securing legislation to modify unilateral regulation of land use by local governments.